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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/589,611	08/16/2006	Koji Kamei	Q80165	8630
23373	7590	06/24/2010	EXAMINER	
SUGHRUE MION, PLLC			TRAN, TRANG Q	
2100 PENNSYLVANIA AVENUE, N.W.				
SUITE 800			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20037			2811	
			NOTIFICATION DATE	DELIVERY MODE
			06/24/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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DETAILED ACTION

Response to Arguments

Applicant's response filed on June 2, 2010 is acknowledged and is answered as follows.

Applicant's arguments, see pgs. 2-4, with respect to the rejection of claim 1 that Onomura in view of Takatani do not teach or suggest a critical feature of "the thickness of positive-electrode-metal containing layer of about 1-8 nm" have been fully considered but they are not persuasive in view of the following reasons.

Table 1 of the invention shows the difference in the positive-electrode-metal-containing layer thickness results in a difference in forward voltage. Table 1 only shows the expected result of the forward voltage which is not critical.

The specification contains no disclosure of either the critical nature of the claimed arrangement (i.e.- the thickness of positive-electrode-metal containing layer of about 1-8 nm) or any unexpected results arising therefrom. Where patentability is said to be based upon particular chosen limitations or upon another variable recited in a claim, the applicant must show that the chosen limitations are critical. *In re Woodruff*, 919 F.2d 1575, 1578 (FED. Cir. 1990).

In view of the foregoing reasons, the Examiner believes that all Applicant's arguments and remarks are addressed. The Examiner has determined that the previous Office Action is still proper based on the above responses. Therefore, the rejections are sustained and maintained.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TRANG Q. TRAN whose telephone number is (571)270-3259. The examiner can normally be reached on Mon - Thu (9am-5pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne A. Gurley can be reached on 571-272-1670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. Q. T./
Examiner, Art Unit 2811